

REMARKS

Reconsideration of this application and the rejections of claims 1, 3-13 and 15-23 is respectfully requested. The claims have been amended to clarify the differences between claimed embodiment and the cited references. As amended, the claims are allowable over the references.

The Examiner is thanked for the courtesies extended to Applicant's undersigned attorney during the November 3, 2010 telephone conference, during which the above-identified amendments were discussed in view of the following remarks. Although no agreement was reached regarding allowance of any claims, the Examiner's comments and insight were beneficial in framing the above amendments and below remarks. Such guidance is appreciated and useful to advance prosecution of this long pending (currently pending for 7 years) patent application. Reconsideration of rejected claims is respectfully requested.

Claims 1, 3-13, and 15-23 stand rejected under 35 U.S.C. §112(2) as being indefinite for including the feature "wherein said real time video data streams are not combined into a single stream." The claims have been amended to remove this feature and therefore the corresponding rejections should be withdrawn. Such amendment is not an admission of the propriety of the rejection. Instead, this amendment is made in the spirit of concession to advance prosecution of this long pending application (7 years pending).

Claims 1, 3-13, and 15-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Henrikson (U.S. Pat. No. 6,894,715), Boyer (U.S. Pat. No. 5,896,128), Hamilton (U.S. Pat. No. 6,621,514), and for select claims, in further view of Potekhin (U.S. Pat. No. 7,054,820), and/or Jang et al. (U.S. Pat. No. 6,442,758).

I. The Rejections of Independent Claims 1, 19, and 20 Should Be Withdrawn Because Hendrikson Is Limited to Designating Primary Streams Selected Automatically Based On The Loudest Speaker.

As discussed with the Examiner, Applicant traverses the rejection of Claim 5, which includes the feature of “wherein said primary video data stream does not originate from a loudest or dominant speaker.” Notably, Applicant addressed this issue in its Amendment C (Pg. 24), but the most recent Office Action did not provide a response. Notably, the Hendrikson reference cited to reject Claim 5 teaches away from the claimed feature since it teaches that the primary video stream is selected only on the basis of the loudest or dominant speaker: “...the primary video image that is sent to all participants is selected based on the participant dominating the audio portion of the call...” (Col. 5, Lines 22-23; emphasis added). During the Examiner Interview, it was agreed that Hendrikson does in fact automatically select a primary stream based on the loudest speaker and appropriate amendments to the independent claims were discussed for overcoming the cited reference. Applicant amended independent claims 1, 19, and 20

accordingly, and therefore it is respectfully requested that the corresponding rejections be withdrawn.

II. The Rejection of Dependent Claim 3 Should Be Withdrawn Because Hendrikson Fails to Disclose A Plurality of Streams Designated As Primary Simultaneously.

Regarding Claim 3, the Office Action asserts that the feature of “wherein said primary selection command designates a plurality of said plurality of video data streams as primary video data streams,” is taught by Hendrikson (Col. 4, Lines 49-52). This section however merely refers to sending a mixed output to multiple participants, but does not refer to any priority techniques. Notably, as described in Col. 4, Lines 24-26, Hendrikson only discloses defining a single video image as a priority image and does not disclose or suggest that a plurality of streams can be designated as priority streams.

During the Examiner Interview, the Examiner acknowledged this distinction, but clarified his position that the claim was ambiguous as to whether multiple streams were identified as primary at one time (since Hendrikson discloses designating one stream as a priority, the Examiner’s position is that it arguably also discloses later designating another stream as the priority, thereby designating a plurality of priority streams). As such, per the Examiner’s suggestion, amended Claim 3 recites ”wherein said primary selection command designates a plurality of said plurality of video data stream as primary video data streams such that a plurality of video data streams are

designated as primary video data streams simultaneously.” Accordingly, Applicant requests that the rejection of Claim 3 be withdrawn.

III. The Rejection of Dependent Claim 4 Should Be Withdrawn Because Potekhin Fails to Disclose Priority Rankings For The Plurality of Streams.

Regarding Claim 4, the Office Action asserts that the feature of “said primary selection command includes a priority ranking for said plurality of primary video data streams,” is disclosed by Potekhin (Col. 8, Lines 1-15). However, as stated in the cited section, Potekhin merely refers to a situation where all participants have the same status, and therefore teaches away from priority rankings: “[w]hen processing a conference in which all participants have the same status” (emphasis added). As such, Applicant requests that the rejection of Claim 4 be withdrawn.

IV. The Rejections of Dependent Claims 13 and 15 Should Be Withdrawn Because Potekhin Fails to Disclose Designation of Primary Streams by Attendees or Meeting Facilitators.

Finally, Applicant traverses the rejections of Claims 13 and 15. Claim 13 recites the feature of the primary selection command being generated by “one of said plurality of attendees,” while Claim 15 recites the feature of the primary selection command being “communicated from a meeting facilitator [who is] not communicating a

video or audio data stream.” Applicant respectfully disagrees with the rejections of these claims and submits that neither of these features are taught by the cited references.

Regarding Claim 13, the Office Action cites to Col. 10, Lines 45-57 of Potehkin to disclose the feature of attendees generating the primary selection command. However, this section merely references the use of an audio controller which “may route a certain participant to the appropriate channel or mixer [which provides] the ability to change stream gain level according to a predefined policy of the conference.” It is submitted that this section does not disclose or suggest generating a primary selection command at all – it simply discloses “changing stream gain level.” This is not, nor is it equivalent to, the recited selecting a primary stream. Further, putting this aside for the moment and accepting only for sake of argument that a primary selection command being generated is discloses, Potehkin teaches away from the present invention by applying a predefined policy (instead than having them be selected by attendees). As such, Applicant requests that the rejection of Claim 13 be withdrawn.

Regarding Claim 15, the Office Action cites to Col. 4, Lines 66-67- Col. 5, Lines 1-2 of Hendrikson to disclose the feature of non-participating meeting facilitators communicating the primary selection command. However, this section merely refers to counting audio packets (from participants) to determine the loudest speaker such that the primary stream is automatically selected. However, there is no reference to a meeting facilitator, let alone one who does not participate and who determines the appropriate streams to be designated primary (i.e., by communicating the primary selection

command). As such, Applicant also requests that the rejection of Claim 15 be withdrawn.

V. Conclusion.

Further, since all of the independent claims have been shown to be in allowable form, it is respectfully requested that the rejections for the independent claims as well as the corresponding dependent claims be withdrawn.

Accordingly, Applicant respectfully submits that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. In the alternative, the claims are submitted to be in better form for appeal. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicant's undersigned attorney at the telephone number listed below.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge fees which may be required to this

application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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